

FILED  
AUSTIN DIVISION

1999 JUN 30 PM 3:26

WESTERN DISTRICT OF TEXAS  
U.S. CLERK'S OFFICE

BY: [Signature] DEPUTY

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

DONALD EUGENE MURPHY	§	
TDCJ #501503; TCCC #99-2360	§	
	§	
V.	§	A-99-CA-379-JN
	§	
MARSHA MCLANE, et al.	§	

**ORDER**

Before the Court is Plaintiff's complaint in which he asserts he is being confined illegally. Plaintiff sues Marsha Mclane, Joyce LaPonte, Belinda Gaines, and Jan Honea. Under the notice pleading requirement for a federal lawsuit, Plaintiff is required to state what acts each of the named defendants did to cause him damage.

It is, therefore, **ORDERED** that Plaintiff shall file a more definite statement in which he answers the following questions **on or before July 23, 1999**. See Fed. R. Civ. P. 12(e); Parker v. Carpenter, 978 F.2d 190, 191 (5th Cir. 1992); Spears v. McCotter, 766 F.2d 179, 180-81 (5th Cir. 1985). A failure to do so will cause this Court to recommend that Plaintiff's complaint be dismissed for want of prosecution.

The questions the plaintiff is **ORDERED** to answer are as follows:

1. In your complaint, you have named Marsha Mclane as a defendant. State exactly what it is that this defendant either did or failed to do while acting under color of state law that you believe violated your constitutional rights. Specifically state each and every injury, harm, damage or other adverse consequence which you suffered as a result of the acts or omissions of this defendant. State the employer of this defendant.

2. In your complaint, you have named Joyce LaPonte as a defendant. State exactly what it is that this defendant either did or failed to do while acting under color of state law that you believe violated your constitutional rights. Specifically state each and every injury, harm, damage or other adverse consequence which you suffered as a result of the acts or omissions of this defendant. State the employer of this defendant.

3. In your complaint, you have named Belinda Gaines as a defendant. State exactly what it is that this defendant either did or failed to do while acting under color of state law that you believe violated your constitutional rights. Specifically state each and every injury, harm, damage or other adverse consequence which you suffered as a result of the acts or omissions of this defendant. State the employer of this defendant.

4. In your complaint, you have named Jan Honea as a defendant. State exactly what it is that this defendant either did or failed to do while acting under color of state law that you believe violated your constitutional rights. Specifically state each and every injury, harm, damage or other adverse consequence which you suffered as a result of the acts or omissions of this defendant. State the employer of this defendant.

5. Please state whether you are alleging in this lawsuit that any of the damages which you seek to recover in this lawsuit were the product of any policy, practice, or custom of Travis County, Texas. If your answer is "yes," please identify each and every policy, practice or custom of Travis County that you allege caused any deprivation of your constitutional rights. If your answer is "no," please state each and every reason why you believe that you are entitled to recover a judgment against Travis, County, Texas in this lawsuit.

6. Please state whether you are presently incarcerated, i.e., serving a term of imprisonment based upon a criminal conviction. If your answer is "yes", please state (1) the date of your conviction, (2) the nature of the offense(s) that form the basis for your current incarceration, and (3) the date, if you know, when you expect to be released.
7. Please state whether you are currently awaiting trial on any criminal charge. If your answer is "yes," please state (1) the date your current pretrial detention began, (2) the exact nature of the criminal charge(s) that form the basis for your current pretrial detention, (3) the court in which the case against you is pending, and (4) your expected trial date, if known. Please be specific.

8. Please state whether you are currently being held in custody pending parole or probation revocation proceedings. If your answer is "yes," please state (1) the date your current detention began, (2) the exact nature of the charge against you, and (3) the expected date of your parole or probation revocation hearing, if any. Please be specific.
9. Please state the exact date on which your current detention at the Travis County Correctional Complex began. [In other words, please state the date on which you became an inmate at the Travis County Correctional Complex.]



10. Plaintiff is to include the following declaration at the end of his more definite statement:

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Title 28 U.S.C. Section 1748. Signed this \_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
Signature of Plaintiff

SIGNED this 7<sup>2</sup> day of June, 1999.

  
\_\_\_\_\_  
ALAN D ALBRIGHT  
UNITED STATES MAGISTRATE JUDGE